

URGENT ACTION

JUSTICE FOR GENDER-BASED VIOLENCE SURVIVOR

On 12 June, the 2nd Criminal Appeal Section of the Judicial Court of Maputo's City overturned the decision that found the aggressor of Women Human Rights Defender, Josina Machel, guilty for the crimes of physical and psychological violence. On 5 August, Josina Machel's appeal against the decision was filed. The Supreme Court is now due to rule on the appeal.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Minister Helena Kida
Minister of Justice
Av. Julius Nyerere 33
Maputo, Mozambique
Email: mjcr@mjcr.gov.mz

Dear Minister Helena Kida,

I am writing to you concerning the case of **Josina Ziyaya Machel**, a Women Human Rights Defender (WHRD) and founder of the Kuhluka Movement, a non-profit initiative working to end gender-based violence (GBV).

On 17 October 2015, Josina Machel was brutally assaulted by her then partner, Rofino Licuco, which resulted in the loss of sight in her right eye. In February 2017, the Ka-Pfumu Municipal District Court convicted her attacker for the crimes of serious physical and psychological violence, under articles 246(b), 171 (e) and 247(i) of the Mozambican Penal Code. Rofino Licuco was sentenced to three years and four months of detention, which was suspended under the condition of damages amounting to 2,800,000 USD.

On 12 June 2020 the 2nd Criminal Appeal Section of the Judicial Court of Maputo's City overturned the guilty verdict on the grounds that there were no eyewitnesses to corroborate the incidents of physical and psychological aggression and that the medical evidence presented could not exclude the possibility of Josina Machel's injury to be a result of a 'simple fall' or 'blunt object'. On 5 August 2020, Josina Machel filed an appeal to the Supreme Court against the decision. The Supreme Court is due to rule on the appeal.

In the aftermath of the October 2015 attack, Josina Machel was subject to a campaign of intimidation and harassment aimed at preventing her from bringing a court case against Rofino Licuco for the assault she suffered. She was followed by unidentified men through Maputo and received intimidating calls, including evening calls from Rofino Licuco himself to warn her that he was aware that she was alone at home. In July 2016, the windows of her friend's car were broken while they were in a restaurant in downtown Maputo, and a threatening note was left inside the car. On 12 August 2020, Josina Machel received a letter from Rofino Licuco's lawyers warning her to stop referring to him and using his name in any way.

In light of the above, I urge you to:

- **Ensure an impartial and independent trial, that meets international standards of fairness, is applied at the appeal stages;**
- **Ensure a safe and enabling environment for Josina Machel so that she can carry out her work and is able to live without fear of attacks, intimidation and harassment;**
- **Take immediate measures to promptly, independently and impartially investigate the threats and intimidation tactics employed against Josina Machel in an effort to silence her.**

Yours sincerely,

ADDITIONAL INFORMATION

Josina Machel is a well-known WHRD; daughter of Graça Machel, well-known advocate for women and children's rights, and Samora Machel, the first president of Mozambique; and stepdaughter of the late Nelson Mandela. The 12 June decision that found Rofino Licuco not guilty of the gender-based violence (GBV) against Josina Machel was a heavy blow to women and those fighting against GBV. This case illustrates quite clearly that even the most powerful women are not protected against violence. Instead, the criminal justice system further perpetuates the abuse and suffering of victims and survivors of GBV.

Prior to the attack, Josina Machel and Rofino Licuco were in a four-year relationship. Rofino Licuco is from a wealthy and traditional family in Mozambique which has a lot of political influence in the country. On the night of 16 October 2015, they went out to a restaurant with a few friends. On the way home, at around 1:20am on the morning of 17 October 2015, Josina Machel asked Rofino Licuco to drop her at her mom's home, the next day was Graça Machel's 70th birthday celebration. He became angry, saying that she was trying to make a fool out of him and that she was instead planning to meet other friends. He called her a 'bitch' and a "prostitute". He then stopped the car and threw three punches at Josina Machel – two at her face and one in the back of her head. She put her hands on her face and felt blood dripping from it. She got out of the car and ran out on to the street, asking for help. After a few meters, she fainted on the road, lost consciousness and woke up in hospital.

Immediately after this incident in July 2016 in which Josina Machel's friend's car was broken into and a threatening note left behind, Josina Machel filed a protection order request at the Randburg Court, South Africa. The Randburg Court rejected the request on the basis that it did not have jurisdiction to rule on events that happened in Mozambique.

In February 2017, Rofino Licuco was convicted for the crimes of serious physical and psychological violence, under articles 246(b), 171 (e) and 247(i) of the Mozambican Penal Code. He was sentenced to three years and four months of detention, which was suspended under the condition of the payment of moral and material damages amounting to 2,800,000 USD, an amount that takes into consideration the economic situation and social conditions of Josina Machel and her offender.

PREFERRED LANGUAGE TO ADDRESS TARGET: Portuguese, English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: [2 October 2020]

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Josina Machel (she/her)